

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF:	)	No. B-0680336 C-13D
Charles E. Wimes	)	
Gwendolyn G. Wimes	)	
	)	
Debtor(s)	)	

**ORDER GRANTING DEBTORS' MOTION TO REFINANCE REAL PROPERTY**

On June 26, 2008, a hearing was held on the Motion by the Debtors for permission to refinance an outstanding mortgage on the property known as 701 Chandler Rd., Durham, NC ("the real property") and to obtain the refinancing from NewStar Mortgage. At the hearing, Edward C. Boltz, Esq. appeared on behalf of the Debtors; Richard M. Hutson, II, Standing Trustee appeared; and, no other party appeared or objected to the Debtors' Motion. The Court, after considering the Motion in this case and having heard and considered the statements of counsel and the Trustee, finds that the Motion should be allowed; therefore, it is ORDERED:

1. The Motion of the Debtors for permission to refinance the real property is granted.
2. The Debtors are authorized to obtain the refinancing from NewStar Mortgage in the amount of \$159,355.00, with interest at the approximate rate of 7.5% per annum, amortized for a period of 30 years, and the Debtors are further authorized to execute any and all documents necessary to consummate the refinancing with NewStar Mortgage. From the proceeds of the refinancing, the Debtors shall pay all prior liens and encumbrances, all expenses and fees of the refinancing, and all net proceeds shall be retained by the Debtors as such proceeds are within the Debtors' allowable homestead joint exemption.
3. John T. Orcutt, Esq., counsel for the Debtors, is allowed attorney fees in the amount of \$450.00 for services rendered in the filing of this Motion and such fee shall be paid through the Debtors' Chapter 13 plan.
4. The closing attorney or agent shall forward a copy of the HUD settlement statement or other settlement statement, to the Chapter 13 Office, attn: Anne Covington, PO Box 3613, Durham, NC 27702.

**PARTIES TO BE SERVED**

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**ALL PARTIES OF RECORD AS OF THE DATE OF THE ORDER SHALL BE  
SERVED BY THE BANKRUPTCY NOTICING CENTER**